* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Reserved on : September 07, 2007
Date of Decision : September 14, 2007

\+ **WRIT PETITION (C) No. 9656 of 2006 & CM 7225/2006 and CM _____/2007(vacation of stay)**

\# SYED ASKARI HADI ALI AUGUSTINE IMAM .....PETITIONER
! Through : Mr. S.K.Sinha, Advocate.

versus

$ LT. GOVERNOR- GNCT OF DELHI & ORS. ....
RESPONDENTS
^ Through: Dr. A.M.Singhvi, Senior Advocate with
Mr.Ravi P.Mehrotra, Ms.Sandhya Goswami and
Mr. Jabar Singh, Advocates for R-3 & R-4.
Mr. Rajiv Bansal with
Ms. Surbhi Agarwal, Advocates for DDA.

AND

\+ **WRIT PETITION (C) No. 11038 of 2006 & CM 8522/2006**

SAYED AKABIR HUSSAIN .....PETITIONER
Through : Mr. Imtiaz Ahmed with
Mrs. Naghma Imtiaz, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY & ORS. ....
RESPONDENTS
Through: Dr. A.M.Singhvi, Senior Advocate with
Mr.Ravi P.Mehrotra, Ms.Sandhya Goswami and
Mr. Jabar Singh, Advocates for R-3 & R-4.
Mr. Rajiv Bansal with
Ms. Surbhi Agarwal, Advocates for DDA.

CORAM:
HON'BLE DR. JUSTICE S. MURALIDHAR

1. Whether Reporters of local papers may be allowed to see the judgment? Yes

2. To be referred to the Reporter or not? Yes

3. Whether the judgment should be reported in Digest? Yes

: Dr. S. Muralidhar, J.

1.1 Writ Petition (C) No. 9656 of 2006 filed by Mr. Syed Askari Hadi

Ali Augustine Imam (SAHAA Imam) seeks a writ of certiorari to quash the order dated 12.4.2006 passed by the Delhi Development Authority ('DDA') Respondent No.2 herein allowing mutation of property at A-4, Chirag Co-operative Housing Society Limited known as Chirag Enclave, New Delhi ('property in question') in the name of Mr. Faiz Murtaza Ali son of late Mr. Justice S. Murtaza Fazal Ali, Respondent no.4 herein. A further prayer in the writ petition is for a direction to the Respondents 1 to 3 restraining them from granting mutation or executing any conveyance deed in favour of a third party in respect of the property in question until the disposal of the Testamentary Case No. 1 of 2003 titled Syed Askari Hadi Ali Augustine Imam and Another v. State pending in the High Court of Jharkhand at Ranchi.

1.2 While directing notice to issue in the writ petition on 31.5.2006, this Court directed that the impugned order dated 12.4.2006 should not be given effect to till the next date of hearing and the said interim order has been continued since.

2. Writ Petition (C) No. 11038 of 2006 filed by Mr.Sayed Akabir Husain (S.A.Husain) seeks a writ of certiorari seeking the same relief of quashing the order dated 12.4.2006 passed by the DDA in respect of the property in question. While directing notice to issue in the writ petition on 17.7.2006, this Court directed that the said writ petition should be heard along with W.P.(C) No. 9656 of 2006.

3. The facts leading to the filing of the said two writ petitions are that Mrs. Syeda Mehndi Imam was the daughter of late Justice Sir Fazal Ali who was the original member of the Chirag Enclave Co-operative Society, New Delhi. Out of the original plot of 5317 sq.yds

allotted to Justice Sir Fazal Ali in 1956, a sub-division was done whereby Plot No. A-3 was allotted to him and Plot A-4 to his daughter Mrs. Syeda Mehndi Imam on 13.3.1966. In respect of the property in question (i.e. A-4 Chirag Enclave) a perpetual lease deed was executed by the DDA in the name of Mrs. Syeda Mehndi Imam on 4.3.1968. Subsequently Mrs. Syeda Mehndi Imam transferred the said plot in the name of her daughter Ms. Shamim Amna. Consequently, a sub-lease deed was executed by the DDA in respect of the property in question in favour of Ms. Shamim Amna on 27.6.1973.

4. At this stage it is necessary to mention that Mrs. Syeda Mehndi Imam's brother was late Mr. Justice S. Murtaza Fazal Ali (both being the children of Justice Sir Fazal Ali). Mr. Justice Murtaza Fazal Ali 's son is Mr. Faiz Murtaza Ali who therefore is the nephew and blood relation of Mrs. Syeda Mehndi Imam.

5. Ms. Shamim Amina died on 25.3.1998 and at that time her mother Mrs. Syeda Mehndi Imam was her sole surviving legal heir.

6. The Petitioner Mr. SAHAA Imam (also known as Tutu Imam), who was the uncle of Ms. Shamim Amna, claimed that on 3.5.1998, exactly 20 days before her death, Ms. Shamim Amna had executed a Will bequeathing the property in question in favour of Mr.SAHAA Imam and the remaining property in favour of his son Mr.Syed Hasan Francis Imam. Mr. SAHAA Imam submitted an application 23.1.1999 to the Office of the Sub Registrar Hazari Bagh in Bihar (now Jharkhand) for registration of the said Will dated 3.5.1998. A month thereafter, on 25.2.1999, Mr. SAHAA Imam applied to the DDA for grant of mutation in respect of the property in question in his favour

on the strength of the said Will dated 3.5.1998.

7. In her capacity as the sole surviving legal heir of Ms. Shamim Amna, her mother Mrs. Syeda Mehndi Imam also made an application to the DDA on 23.4.1999 for grant of mutation in her favour in respect of the property in question. DDA wrote to both the applicants i.e. the Petitioner as well as Mrs. Syeda Mehndi Imam on 27.6.1999 seeking further particulars. Even while these applications for mutation were pending, Smt. Syeda Mehdi Imam executed a Will on 9.9.1999 in favour of Respondent No.4 Mr. Faiz Murtaza Ali whereby she bequeathed her right, title and interest in the property in question in his favour.

8. On 29.12.1999 the Petitioner applied to the DDA for conversion of the property in question from lease hold to free hold. He deposited a sum of Rs.13,36,062 with the DDA as conversion charges.

9. By a letter dated 17.7.2000, the Lt. Governor informed the Petitioner that his request for mutation could not be acceded to for the following reasons:

(a) The Petitioner could not produce the original copy of the Will dated 3.5.1998.

(b) The property in question was under the possession of Shri M.C. Reddy and Shri M.H.Reddy and

(c) Title Suit (T.S. No.262 of 1991) filed by Ms.Shamim Amna against Mr.SAHAA Imam was pending in the civil court in Hazaribagh.

10. The Petitioner then approached the Permanent Lok Adalat ('PLA') of the DDA with a request for a direction to the DDA to grant

mutation. By award dated 20.2.2001 the PLA directed the DDA to grant mutation of the property in question in favour of the Petitioner. On coming to know of the order of the PLA, Mrs. Syeda Mehndi Imam wrote to the PLA on 29.6.2001 claiming mutation in her name. When the said claim was not entertained she filed W.P.(C) No. 2263 of 2002 in this Court seeking quashing of the order dated 20.2.2001 of the PLA. By an order dated 3.5.2002 this Court stayed further proceedings before the PLA. On coming to know of this Mr.SAHAA Imam filed W.P.(C) No. 3579 of 2002 in this Court on 29.5.2002 praying that further proceedings before the PLA should be closed since the PLA had already passed an order in his favour.

11. At this stage it is necessary to briefly narrate the facts relating to other disputes between the parties that were pending in the civil courts at this point in time.

12. During her lifetime Ms. Shamim Amina Imam had filed Suit No. 262 of 1991 in the Civil Court Patna against the Petitioner Mr. SAHAA Imam. This suit pertained to certain properties in Patna and did not relate to the property in question. After the death of Ms. Shamim Amna, on an application made by her under Order 22 Rule 3 CPC Mrs. Syeda Mehndi Imam was substituted for Ms. Shamim Amna by an order dated 24.1.2000 passed by the Civil Court, Patna. The Petitioner challenged the said order by way of a Revision Petition which came to be dismissed by the High Court of Patna on 14.8.2000. The Petitioner's Special Leave Petition (Civil) No. 18987 of 2000 was dismissed by the Hon'ble Supreme Court on 2.5.2001. The Supreme Court nevertheless clarified that “the objection raised regarding bequeath by the Will by the original plaintiff during the life time shall

be kept open for the purposes of adjudication."

13. The above observations were made in the context of another litigation between the parties. Mrs. Syeda Mehndi Imam filed Civil Suit No. 71 of 2000 against the Petitioner in the Civil Court at Patna challenging the validity of the Will dated 3.5.1988 based on which he claimed mutation in respect of the property in question. Apart from this the petitioner and his son filed Testamentary Suit No.1 of 2003 in the High Court of Jharkhand seeking Probate of the Will dated 3.5.1998.

14. Reverting to the writ petitions in this Court, Writ Petition (C) No.3579 of 2002 filed by the petitioner in this Court for a direction that the proceedings before the PLA should not continue came to be dismissed by a learned Single Judge on 8.4.2003. The petitioner's appeal was dismissed by the Division Bench and his Special Leave Petition (SLP) was also dismissed by the Hon'ble Supreme Court.

15. As far as W.P.(C) No. 2263 of 2002, filed by Mrs.. Syeda Mehndi Imam challenging the decision dated 20.2.2001 of the PLA was concerned, by an order dated 29.9.2003 this Court allowed the said writ petition. This Court agreed with the contention of Mrs. Syeda Mehndi Imam that in terms of the Legal Services Authorities Act, 1987 as it stood on the date of the order of the PLA, an order could be passed only with the consent of the parties. Given the fact that there were multifarious disputes between the parties, the DDA was right in staying its hands to await the decision of the Civil Court. The Court observed as under:

"I am thus of the considered view that the impugned

direction dated 20.2.2001 could not have been passed by the Permanent Lok Adalat and the same is hereby quashed. Further, no purpose would be served in continuation of the proceedings before a Permanent Lok Adalat in view of the disputes not being capable of reconciliation till such time as the right of Respondent No.2 to the property in question in pursuance to the bequeath made under the will in dispute is finally adjudicated upon. It has already been held by this Court in ***Smt. Janak Vohra v. DDA*** 103 (2003) DLT 789 that in case of such disputed questions of title, and mutation being asked for, it is appropriate that the disputes of title be adjudicated in appropriate civil procedure and no direction be issued to mutate the property in the name of a party."

16. The order dated 29.9.2003 passed by this Court was unsuccessfully challenged by the Petitioner in an appeal before a Division Bench of this Court. Thereafter the SLP was also dismissed by the Hon'ble Supreme Court.

17. To complete the narration of the disputes between the parties, it requires to be mentioned that Mrs. Syeda Mehndi Imam filed a criminal complaint dated 19.9.2002 against the Petitioner and others under Sections 420/468/444/34 Indian Penal Code in P.S.Greater Kailash-I, New Delhi in which she alleged that the Will dated 3.5.1998 had been forged by the Petitioner. The said Will dated 3.5.1998 was examined by the Forensic Science Laboratory (FSL), GNCTD and a report was submitted to the SHO on 26.5.2003 stating that the signatures of Ms.Shamim Amna on the said Will did not tally with her standard signatures. A chargesheet has been filed consequent upon the said investigation. The petitioner's criminal revision petition Crl. Misc. Main No. 3082 of 2005 seeking the quashing of the criminal

proceedings was dismissed by this Court on 23.7.2005. There is yet another strand of litigation at the instance of one Mr.Viqar Ahmad which is not being referred to here since it is not relevant for deciding these petitions.

18. After the death of Mrs. Syeda Mehndi Imam on 22.2.2004, Mr. Faiz Murtaza Ali, Respondent No.4 herein, claimed to be her legal heir on the strength of the registered will dated 9.9.1999 in his favour. After the FSL report was received Respondent No.4, Faiz Murtaza Ali filed an application before the DDA for mutation of the property in his name. On this application, the Commissioner (Lands Development) on 4.4.2005 recommended that the mutation be carried out in favour of Mr. Faiz Murtaza Ali. However, Mr. S.K.Tandon, the Legal Advisor, DDA advised not carrying out mutation in favour of any person till the dispute was settled. When the file was again placed before the Commissioner (Lands), he made a noting on 14.7.2005 pointing out that the property in question was not the subject matter of the Suit No. 262 of 1991 or even another Suit No. 10 of 1998 pending before the Subordinate Judge, Hazaribagh, Jharkhand. Suit No. 71 of 2000 was a challenge to the Will dated 3.5.1988 under which the Petitioner was claiming mutation of the property in question in his favour. Even in the testamentary Suit filed in the Jharkhand High Court certain adverse observations have been made by the High Court, which had later been recalled, on the attempt by the Petitioner to demonstrate that a compromise has been reached between the parties in respect of the property in question. The Commissioner (Lands), DDA took the view that the claim of Respondent No.4 stood on a better footing and therefore the mutation should be granted in his favour. Thereafter the matter was referred for the opinion of the learned Additional Solicitor General of India

('ASG').

19. By a detailed opinion dated 29.11.2005 the ASG concurred with the views of the Commissioner Lands that the property can be mutated in favour of Respondent No.4. Based on this opinion, the DDA on 12.4.2006 granted mutation in favour of Respondent No.4 by passing the following order:

> "Mr. Faiz Murtaza Ali,
> R/o 112, Udai Park,
> Khel Gaon Road,
> New Delhi.
>
> Sub: Mutation of Plot/Property No. A-4, Chirag CHBS Ltd.(Known as Chirag Enclave, New Delhi.)
>
> Sir,
>
> Please refer to your representation on dated 11.12.2004 on the subject cited above. In this connection, it is to state that consequent upon the death of Miss Shamim Amina d/o Smt. Syeda Mehdi Imam and death of Smt. Syeda Mehdi Imam w/o Sh. Mehdi Imam, the sub lessee of the abovenoted plot/property under reference (and thereafter death of Smt. Syeda Mehdi Imam, her mother) and on the basis of the documents furnished by you the Mutation of the Plot/Property in question has been allowed in your name i.e. in the name of Mr. Faiz Murtaza Ali s/o Late Justice Syed Murtaza Fazal Ali, on the basis of Regd. WILL executed by Smt. Syeda Mehdi Imam in your favour (The WILL has been got regd. after death of Testator). Now onwards you are the Mutatee/Sub Lessee of the above noted Plot/Property. Other terms and conditions of the sub lease deed shall remain unchanged and shall be binding upon you.
>
> It may please be clearly noted that if at any later stage it is noticed that the mutation of the above said plot/property has been obtained on the basis of the false/forged documents, through mis-statement or through mis representation of facts and fraud and in that case the mutation so allowed shall be cancelled/withdrawn forthwith and the property/plot in question shall automatically vest in the Lessor.
>
> Yours faithfully,
> (K.G.Kashyap)
> Dy. Director (CS)"

20. The fact that the decision of the DDA was based on the opinion

of learned ASG is evident from a letter dated 8.5.2006 written by the DDA to the Deputy Secretary of the Government of India in response to a query raised by the latter following the Petitioner's representation to the Lt. Governor in that behalf. The said letter dated 8.5.2006 reads as under:

> "No.F.5(A-4)/2006/CS/DDA/Pt. File/1552
> From Dy. Director (C.S.)
> DDA, New Delhi.
>
> To
> Sh. H.Hamasi
> Deputy Secretary to the Govt. of
> India, Ministry of Urban Development,
> Nirman Bhavan, New Delhi.
>
> Subject:Plot/Property no.A-4, Chiragh CHBS Ltd.(Known as Chiragh Enclave, New Delhi)
>
> Sir,
> Please refer to your D.C.No. A-46017/51/05- PG dt. 22.3.2006 and Principal Commissioner-cum-Secretary, DDA, on the subjected cited above. In this connection I am directed to inform you that after receiving the opinion of the ASG, vide which he opined that the property in question may be mutated in favour of Sh. Faiz Murtaza Ali. Accordingly the case was examined in this office as well as our legal deptt., the case was placed before the Hon'ble L.G., Delhi who recorded his approval for in favour of Sh. Faiz Murtaza Ali. Accordingly, the mutation in favour of Sh. Faiz Murtaza Ali was carried out vide this office letter dated 12.4.2006. The Cout case filed by Sh. S.A.H.A.A. Imam vide C.W.P. No. 3132/2006 was dismissed by the Hon'ble High Court of Delhi vide judgment/order dt. 17.3.2006. The conversion charge deposited by Sh. S.A.H.A.A. Imam for about 13 lacs have been deposited by him at his own free WILL when title of the property was not settled in his favour and he can claim refund for the same.
>
> Yours faithfully,
>
> (K.G.Kashyap)
> Dy.Director
> (C.S.)"

Submissions of the parties

21. The submissions of Mr.S.K.Sinha, learned Advocate on behalf of the petitioner Mr.SAHAA Imam, were as under:

(a) The impugned order dated 12.4.2006 issued by the DDA

was contrary to and in violation of the judgment dated 12.9.2003 of this Court which had held that till the disputes as regards the title are adjudicated in the Civil Court, no direction should be issued by the DDA to mutate the property in the name of any party.

(b) The disputes between the parties concerning the genuineness of the Will dated 3.5.1998 in favour of the Petitioner and his son and the Will dated 9.9.1999 in favour of Respondent No.4 are far from concluded and, therefore, there was no occasion for the DDA to grant the mutation at this stage. Reliance is placed on the decision of this Court in ***Smt. Janak Vohra v. DDA*** 103 (2003) DLT 789.

(c) The opinion of the ASG, based on which the DDA decided to grant mutation in favour of Respondent No.4, is on a plain reading of the document, based on facts which are contrary to the record.

(d) The mutation in favour of Respondent No.4 could not have taken place without the Petitioner being informed of such a claim particularly when the Petitioner had also made an application for grant of mutation.

(e) There cannot be two different yardsticks adopted by the DDA, one for the application made by the Petitioner which was declined on the ground that there were pending disputes and the other made by Respondent No.4 which has been granted on the basis of the opinion of the ASG that Respondent No.4 had a better claim.

(f) Since there was no change of circumstances after the judgment dated 12.9.2003 passed by this Court and since

there was no mutation in the first place in favour of Mrs. Syeda Mehndi Imam, the application of Respondent No.4 claiming through her ought not have been entertained.

22. On behalf of the Petitioner in the accompanying petition, Mr.S.A.Husain, Mr. Imtiaz Ahmed, learned Advocate submitted that the said Petitioner too had made an application on 18.8.2005 to the DDA for grant of mutation in his favour based on a Will dated 20.2.2004 (i.e. two days before her death) executed in his favour by Mrs. Syeda Mehndi Imam. He disputed the genuineness of the Will stated to have been executed on 3.5.1998 in favour of Mr.SAHAA Imam by Ms. Shamim Amina as well as the Will dated 9.9.1999 executed by Mrs. Syeda Mehndi Imam in favour of Mr.Faiz Murtaza Ali. The Petitioner (Mr. S.A. Husain) claims that on the basis of the Will in his favour executed on 20.2.2004 by Mrs.Syeda Mahndi Imam, he has been substituted in several proceedings pending in Patna Courts and that in these circumstances mutation ought not to have been granted in favour of Mr. Faiz Murtaza Ali by the DDA.

23. Appearing on behalf of Mr. Faiz Murtaza Ali, Dr. Abhishek Manu Singhvi, learned Senior Counsel, supported by Mr.Ravi Mehrotra and Ms.Sandhya Goswami, learned Advocates, made the following submissions:

(a) Both the petitions are a gross abuse of the process of Court and ought to be rejected on that ground itself. Vital facts have been concealed in both petitions and claims have been made on the basis of forged documents.

(b) The claim of both petitioners is based on forged Wills and therefore they had no valid claim at all to the property in

question. It was inconceivable that Ms.Shamim Amna who had filed a suit against Mr.SAHAA Imam way back in 1991 would execute a Will in his favour in 1998. Neither Petitioner is a blood relation of Smt. Syeda Mehndi Imam whereas Mr. Faiz Murtaza Ali is her nephew and he holds a valid registered Will in his favour. The DDA could therefore not be faulted for forming an opinion that his claim stood on a better footing.

(c) The earlier claims made by Mr. SAHAA Imam have been rejected time and again by this Court which orders have been confirmed by the Hon'ble Supreme Court. Therefore the petitioners cannot seek to re-agitate the same issues over and over again by repeatedly filing writ petitions in this Court.

(d) Apart from the fact that the petitions ought to be dismissed for abuse of the process of court, they are also liable to be rejected since no ground for interference with the order dated 12.4.2006 issued by the DDA has been made out by either petitioner. That decision was based on adequate materials available on record and was not actuated by malafides. Since the jurisdiction under Article 226 was discretionary, this was not a case where either in law or on equity any relief could be granted in either petition.

(e) The bonafides of the Petitioner Mr. SAHAA Imam are wholly suspect since apart from basing his claim on a forged Will he has also suppressed the vital fact that he has executed an agreement to sell in favour of one Mr. Vijender Reddy of Hyderabad on 28.8.1996 itself, i.e.

during the life time of Ms.Shamim Amna. Referring to a copy of the said document which has been placed on record, it is submitted that what is even more astonishing is that therein the Petitioner described Ms. Shamim Amna as his benamidar. The agreement to sell dated 28.8.1996 even pre-dated the Will claimed to have been executed on 3.5.1998, twenty days prior to the date of death of Ms. Shamim Amna on 23.5.1998. Therefore the Petitioner Mr. SAHAA Imam was thoroughly dishonest and no petition ought to be entertained at his instance.

(f) As regards the other Petitioner Mr.S.A.Husain, he has absolutely no locus standi in relation to the property in question and in any event his claim in terms of the alleged Will in his favour ought to be decided in the pending civil disputes to which he claims to be a party. In any event the Will dated 20.2.2004 was also a forged document.

(g) A Suit filed by the Petitioner Mr.S.A. Hussain against Mr. Faiz Murtaza Ali challenging the Will dated 9.91999 was dismissed by the Civil Court at Patna. Further he is himself a witness to the said Will dated 9.9.1999 and he has given an affidavit dated 21.3.2004 stating that he had no interest in the property in question. Therefore this writ petition was also an abuse of the process of law.

24. Appearing for the DDA, Mr.Rajiv Bansal, Advocate produced the original records which were inspected by the counsel for the parties. He submitted that the DDA had gone by the policy in regard to the grant of mutation and in the instant case it had take the precaution of obtaining a legal opinion of the learned ASG. He pointed out that the

grant of mutation was not decisive as regards the question of title. The impugned order was itself conditional upon the subsequent discovery of any fraud or misstatement which would entail cancellation of the mutation.

Objections regarding maintainability

25. This Court finds merit in the submissions made on behalf of Respondent No.4 that neither petitions have disclosed the true and complete facts. With so many rounds of litigation having taken place it was incumbent on both Petitioners to have come clean on the entire facts even if they were disputed. For instance, it appears that the property in question is not in the possession of Mr. SAHAA Imam, a fact he does not disclose although it is fully within his knowledge. The petition is completely silent about the fact that he had executed an agreement to sell in respect of the property in question on 28.8.1996 on which date even as per his own narration he had no right title or interest in relation thereto. As regards the other petitioner, he also has suppressed the fact that he himself was a witness to the Will dated 9.9.1999 executed by Mrs.Syeda Mehndi Imam in favour of Mr.Faiz Murtaza Ali. This by itself is sufficient for not entertaining these petitions since neither petitioner has come to the court with clean hands.

Issues raised by the parties

26. Even as regards the submissions made on the merits of the impugned order dated 12.4.2006 issued by the DDA, this Court is not persuaded to entertain these writ petitions for the simple reason that the impugned order dated 12.4.2006 itself states that the grant of mutation is subject to certain express conditions. This Court finds that

the condition appended to the impugned order dated 12.4.2006 to the effect it is likely to be cancelled if it is found later that the mutation has been obtained on the basis of a forged or false document or through misstatement or concealment of facts and that in such event the property would again vest in the DDA sufficiently protects the rights of any person with a contesting claim who may succeed at a future date.

27. Further, it is well settled that the grant of mutation does not determine title to any property and that such question will have to be decided only in appropriate civil proceedings. This legal position has already been clarified by this Court in its judgment dated 29.9.2003 in the earlier round of litigation in the petition filed by Mrs. Syeda Mehndi Imam, which has been affirmed by the Hon'ble Supreme Court. A reading of the said judgment shows that it has made explicit the legal position that the final decision in the disputes pending between the parties as to title would determine their respective rights to the property in question. The mutation granted by the order dated 12.4.2006 would naturally be subject to the final outcome of such litigation that was pending at the time of grant of such mutation i.e.12.4.2006. Significantly, even in its order dated 2.5.2001 the Hon'ble Supreme Court had reiterated that the challenge to the Will dated 3.5.1998 pending before the Civil Court was being left undisturbed. The impugned order dated 12.4.2006 passed by the DDA is not inconsistent with these orders and therefore calls for no interference.

28. With so many orders by the various courts already holding the field, there is absolutely no need for this Court to pass any further

orders or issue any further directions in these petitions. The Court is therefore not inclined to entertain these petitions even on merits.

29. An apprehension was expressed by Dr. Singhvi on behalf of Respondent No.4 that any observation made by this Court on the merits of the disputes pending elsewhere between the parties may be construed as an expression of an opinion affecting their respective rights in those or any other future proceedings. There is no basis at all for such an apprehension. While this Court has held that the petitioners have not come to the court with clean hands and have not made out a case for interference with the impugned order dated 12.4.2006, this Court has in fact not expressed any view on the merits of the disputes, civil and criminal, pending between the parties. No observation made in this judgment should be construed as such.

30. The two writ petitions are accordingly dismissed with costs of Rs.5,000 each which will be paid by each of the petitioners to the Delhi High Court Legal Services Committee within a period of four weeks from today. The interim orders stand vacated and the pending applications are dismissed.

S. MURALIDHAR, J.

September 14, 2007
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